

possible, the Secretary of Defense shall make domestic military airports and airport facilities available for civil use. In advising the Secretary of Transportation under subsection (a) of this section, the Secretary of Defense shall indicate the extent to which domestic military airports and airport facilities are available for civil use.

(d) PUBLICATION.—The Secretary of Transportation shall publish the plan every 2 years.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1251; Pub. L. 112–95, title I, §152(a), Feb. 14, 2012, 126 Stat. 32.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code)                      | Source (Statutes at Large)  |
|-----------------|---|---|
| 47103(a) .....  | 49 App.:2203(a)(1) (2d-last sentences). | Sept. 3, 1982, Pub. L. 97–248, §504(a)(1), 96 Stat. 675; Dec. 30, 1987, Pub. L. 100–223, §104(a)(1)(A), (2), 101 Stat. 1489.  |
| 47103(b) .....  | 49 App.:2203(a)(2).                     | Sept. 3, 1982, Pub. L. 97–248, 96 Stat. 324, §504(a)(2); added Dec. 30, 1987, Pub. L. 100–223, §104(a)(1)(B), 101 Stat. 1489. |
| 47103(c) .....  | 49 App.:2203(c).                        | Sept. 3, 1982, Pub. L. 97–248, §504(c), 96 Stat. 676.   |
| 47103(d) .....  | 49 App.:2203(d)(1).                     | Sept. 3, 1982, Pub. L. 97–248, §504(d)(1), 96 Stat. 676; Dec. 30, 1987, Pub. L. 100–223, §104(b)(2), 101 Stat. 1489.          |
| 47103(d) .....  | 49 App.:2203(a)(1) (1st sentence).      |   |

In subsection (a), before clause (1), the words “shall maintain” and “In maintaining” are substituted for “In reviewing and revising” for clarity and consistency in the revised title. The word “named” is substituted for “After September 3, 1982, the revised national airport system plan shall be known as”, and the words “the national defense requirements of the Secretary of Defense” are substituted for “requirements in support of the national defense as determined by the Secretary of Defense”, to eliminate unnecessary words. The words “included in the plan may not be limited to meeting the needs of any particular” are substituted for “identified by this plan shall not be limited to the requirements of any” for clarity and consistency in this section. The words “among other things” are omitted as surplus.

In subsection (b), before clause (1), the words “In maintaining” are substituted for “In reviewing and revising” for consistency in this section. In clause (1), the words “departments, agencies, and instrumentalities of the United States Government” are substituted for “Federal . . . agencies” for consistency in the revised title and with other titles of the United States Code. In clauses (2) and (3), the words “As soon as feasible following December 30, 1987” are omitted as obsolete. In clause (3), the word “legitimate” is omitted as surplus.

In subsection (c), the words “Secretary of Defense” are substituted for “Department of Defense” because of 10:133.

In subsection (d), the words “Not later than two years after September 3, 1982” are omitted as executed.

Editorial Notes

AMENDMENTS

2012—Subsec. (a). Pub. L. 112–95, §152(a)(1)(A), substituted “the airport system to” for “each airport to” in introductory provisions.

Subsec. (a)(1). Pub. L. 112–95, §152(a)(1)(B), substituted “system, including connection to the surface transportation network; and” for “system in the particular area;”.

Subsec. (a)(2). Pub. L. 112–95, §152(a)(1)(C), substituted period at end for “; and”.

Subsec. (a)(3). Pub. L. 112–95, §152(a)(1)(D), struck out par. (3) which read as follows: “forecasted developments in other modes of intercity transportation.”

Subsec. (b). Pub. L. 112–95, §152(a)(2), inserted “and” at end of par. (1), redesignated par. (3) as (2) and struck out “, Short Takeoff and Landing/Very Short Takeoff and Landing aircraft operations,” after “air cargo operations”, and struck out former par. (2) which read as follows: “consider tall structures that reduce safety or airport capacity; and”.

Subsec. (d). Pub. L. 112–95, §152(a)(3), struck out “status of the” before “plan”.

§ 47104. Project grant authority

(a) GENERAL AUTHORITY.—To maintain a safe and efficient nationwide system of public-use airports that meets the present and future needs of civil aeronautics, the Secretary of Transportation may make project grants under this subchapter from the Airport and Airway Trust Fund.

(b) INCURRING OBLIGATIONS.—The Secretary may incur obligations to make grants from amounts made available under section 48103 of this title as soon as the amounts are apportioned under section 47114(c) and (d)(2) of this title.

(c) EXPIRATION OF AUTHORITY.—After March 8, 2024, the Secretary may not incur obligations under subsection (b) of this section, except for obligations of amounts—

(1) remaining available after that date under section 47117(b) of this title; or

(2) recovered by the United States Government from grants made under this chapter if the amounts are obligated only for increases under section 47108(b)(2) and (3) of this title in the maximum amount of obligations of the Government for any other grant made under this title.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1252; Pub. L. 103–305, title I, §101(b), Aug. 23, 1994, 108 Stat. 1571; Pub. L. 103–429, §6(63), Oct. 31, 1994, 108 Stat. 4385; Pub. L. 104–264, title I, §101(b), Oct. 9, 1996, 110 Stat. 3216; Pub. L. 105–277, div. C, title I, §110(b)(2), Oct. 21, 1998, 112 Stat. 2681–587; Pub. L. 106–6, §2(b), Mar. 31, 1999, 113 Stat. 10; Pub. L. 106–31, title VI, §6002(b), May 21, 1999, 113 Stat. 113; Pub. L. 106–59, §1(b), Sept. 29, 1999, 113 Stat. 482; Pub. L. 106–181, title I, §101(b), Apr. 5, 2000, 114 Stat. 65; Pub. L. 108–176, title I, §101(b), Dec. 12, 2003, 117 Stat. 2494; Pub. L. 110–190, §4(b), Feb. 28, 2008, 122 Stat. 644; Pub. L. 110–253, §4(b), June 30, 2008, 122 Stat. 2418; Pub. L. 110–330, §4(b), Sept. 30, 2008, 122 Stat. 3718; Pub. L. 111–12, §4(b), Mar. 30, 2009, 123 Stat. 1458; Pub. L. 111–69, §4(b), Oct. 1, 2009, 123 Stat. 2055; Pub. L. 111–116, §4(b), Dec. 16, 2009, 123 Stat. 3032; Pub. L. 111–153, §4(b), Mar. 31, 2010, 124 Stat. 1085; Pub. L. 111–161, §4(b), Apr. 30, 2010, 124 Stat. 1127; Pub. L. 111–197, §4(b), July 2, 2010, 124 Stat. 1354; Pub. L. 111–216, title I, §103, Aug. 1, 2010, 124 Stat. 2349; Pub. L. 111–249, §4(b), Sept. 30, 2010, 124 Stat. 2628; Pub. L. 111–329, §4(b), Dec. 22, 2010, 124 Stat. 3567; Pub. L. 112–7, §4(b), Mar. 31, 2011, 125 Stat. 32; Pub. L. 112–16, §4(b), May 31, 2011, 125 Stat. 219; Pub. L. 112–21, §4(b), June 29, 2011, 125 Stat. 234; Pub. L. 112–27, §4(b), Aug. 5, 2011, 125 Stat. 271; Pub. L. 112–30, title II, §204(b), Sept. 16, 2011, 125 Stat. 358; Pub. L. 112–91, §4(b), Jan. 31, 2012, 126 Stat. 4; Pub. L. 112–95, title I, §101(b), Feb. 14, 2012, 126 Stat. 15; Pub. L. 114–55, title I, §101(b), Sept. 30, 2015, 129 Stat. 523; Pub. L. 114–141, title I, §101(b), Mar. 30, 2016, 130 Stat. 323; Pub. L. 114–190, title

I, §1101(b), July 15, 2016, 130 Stat. 617; Pub. L. 115-63, title I, §101(b), Sept. 29, 2017, 131 Stat. 1169; Pub. L. 115-141, div. M, title I, §101(b), Mar. 23, 2018, 132 Stat. 1046; Pub. L. 115-254, div. B, title I, §111(b), Oct. 5, 2018, 132 Stat. 3199; Pub. L. 118-15, div. B, title II, §2201(d), Sept. 30, 2023, 137 Stat. 82; Pub. L. 118-34, title I, §101(d), Dec. 26, 2023, 137 Stat. 1113.)

HISTORICAL AND REVISION NOTES  
PUB. L. 103-272

| Revised Section | Source (U.S. Code)                  | Source (Statutes at Large)   |
|-----------------|-------------------------------------|--|
| 47104(a) .....  | 49 App.:2202(a)(24).                | Sept. 3, 1982, Pub. L. 97-248, §503(a)(24), 96 Stat. 674; Dec. 30, 1987, Pub. L. 100-223, §103(c)(1), 101 Stat. 1488.  |
|                 | 49 App.:2204(a) (1st sentence).     | Sept. 3, 1982, Pub. L. 97-248, §505(a) (1st sentence), 96 Stat. 676.   |
| 47104(b) .....  | 49 App.:2204(b)(1) (1st sentence).  | Sept. 3, 1982, Pub. L. 97-248, §505(b)(1), 96 Stat. 677; Nov. 5, 1990, Pub. L. 101-508, §9104(2), 104 Stat. 1388-355; Oct. 31, 1992, Pub. L. 102-581, §102(b), 106 Stat. 4677. |
| 47104(c) .....  | 49 App.:2204(b)(1) (last sentence). |  |

In subsection (a), the words “project grants” are substituted for “grants . . . for airport development and airport planning by project grants” in 49 App.:2204(a) to eliminate unnecessary words and because of the definitions of “project” and “project grant” in section 47102 of the revised title.

In subsection (b), the words “and such authority shall exist with respect to funds available for the making of grants for any fiscal year or part thereof pursuant to subsection (a) of this section” are omitted as surplus.

In subsection (c), the words “except for obligations of amounts” are substituted for “except that nothing in this section shall preclude the obligation by grant agreement of apportioned funds” to eliminate unnecessary words.

PUB. L. 103-429

| Revised Section | Source (U.S. Code)                                       | Source (Statutes at Large)  |
|-----------------|--|---|
| 47104(c) .....  | 49 App.:2204(b)(1) (last sentence).<br>49App.:2204 note. | Sept. 3, 1982, Pub. L. 97-248, §505(b)(1) (last sentence), as amended May 26, 1994, Pub. L. 103-260, §109, 108 Stat. 700. |

In subsection (c), the text of section 109(b) of the Airport Improvement Program Temporary Extension Act of 1994 (Public Law 103-260, 108 Stat. 700) is omitted as executed.

**Editorial Notes**

AMENDMENTS

2023—Subsec. (c). Pub. L. 118-34 substituted “March 8, 2024,” for “December 31, 2023,” in introductory provisions.

Pub. L. 118-15 substituted “December 31, 2023,” for “September 30, 2023,” in introductory provisions.

2018—Subsec. (c). Pub. L. 115-254 substituted “2023,” for “2018,” in introductory provisions.

Pub. L. 115-141 substituted “September 30, 2018,” for “March 31, 2018,” in introductory provisions.

2017—Subsec. (c). Pub. L. 115-63 substituted “March 31, 2018,” for “September 30, 2017,” in introductory provisions.

2016—Subsec. (c). Pub. L. 114-190 substituted “September 30, 2017,” for “July 15, 2016,” in introductory provisions.

Pub. L. 114-141 substituted “July 15, 2016,” for “March 31, 2016,” in introductory provisions.

2015—Subsec. (c). Pub. L. 114-55 substituted “March 31, 2016,” for “September 30, 2015,” in introductory provisions.

2012—Subsec. (c). Pub. L. 112-95 substituted “After September 30, 2015,” for “After February 17, 2012,” in introductory provisions.

Pub. L. 112-91 substituted “February 17, 2012,” for “January 31, 2012,” in introductory provisions.

2011—Subsec. (c). Pub. L. 112-30 substituted “January 31, 2012,” for “September 16, 2011,” in introductory provisions.

Pub. L. 112-27 substituted “September 16, 2011,” for “July 22, 2011,” in introductory provisions.

Pub. L. 112-21 substituted “July 22, 2011,” for “June 30, 2011,” in introductory provisions.

Pub. L. 112-16 substituted “June 30, 2011,” for “May 31, 2011,” in introductory provisions.

Pub. L. 112-7 substituted “May 31, 2011,” for “March 31, 2011,” in introductory provisions.

2010—Subsec. (c). Pub. L. 111-329 substituted “March 31, 2011,” for “December 31, 2010,” in introductory provisions.

Pub. L. 111-249 substituted “December 31, 2010,” for “September 30, 2010,” in introductory provisions.

Pub. L. 111-216 substituted “September 30, 2010,” for “August 1, 2010,” in introductory provisions.

Pub. L. 111-197 substituted “August 1, 2010,” for “July 3, 2010,” in introductory provisions.

Pub. L. 111-161 substituted “July 3, 2010,” for “April 30, 2010,” in introductory provisions.

Pub. L. 111-153 substituted “April 30, 2010,” for “March 31, 2010,” in introductory provisions.

2009—Subsec. (c). Pub. L. 111-116 substituted “March 31, 2010,” for “December 31, 2009,” in introductory provisions.

Pub. L. 111-69 substituted “December 31, 2009,” for “September 30, 2009,” in introductory provisions.

Pub. L. 111-12 substituted “September 30, 2009,” for “March 31, 2009,” in introductory provisions.

2008—Subsec. (c). Pub. L. 110-330 substituted “March 31, 2009,” for “September 30, 2008,” in introductory provisions.

Pub. L. 110-253 substituted “September 30, 2008,” for “June 30, 2008,” in introductory provisions.

Pub. L. 110-190 substituted “June 30, 2008,” for “September 30, 2007,” in introductory provisions.

2003—Subsec. (c). Pub. L. 108-176 substituted “September 30, 2007” for “September 30, 2003” in introductory provisions.

2000—Subsec. (c). Pub. L. 106-181 substituted “September 30, 2003,” for “September 30, 1999,” in introductory provisions.

1999—Subsec. (c). Pub. L. 106-59 substituted “September 30, 1999” for “August 6, 1999” in introductory provisions.

Pub. L. 106-31 substituted “August 6, 1999” for “May 31, 1999” in introductory provisions.

Pub. L. 106-6 substituted “May” for “March” in introductory provisions.

1998—Subsec. (c). Pub. L. 105-277 substituted “March 31, 1999” for “September 30, 1998” in introductory provisions.

1996—Subsec. (c). Pub. L. 104-264 substituted “1998” for “1996” in introductory provisions.

1994—Subsec. (c). Pub. L. 103-429 reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “After September 30, 1996, the Secretary may not incur obligations under subsection (b) of this section, except for obligations of amounts remaining available after that date under section 47117(b) of this title.”

Pub. L. 103-305 substituted “After September 30, 1996, the Secretary” for “After September 30, 1993, the Secretary”.

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-253, §4(c), June 30, 2008, 122 Stat. 2418, provided that: “The amendments made by this section

[amending this section and section 48103 of this title] shall take effect on July 1, 2008.”

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108–176 applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108–176, set out as a note under section 106 of this title.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106–181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as a note under section 106 of this title.

EFFECTIVE DATE OF 1996 AMENDMENT

Except as otherwise specifically provided, amendment by Pub. L. 104–264 applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104–264, set out as a note under section 106 of this title.

DEEMED REFERENCES TO CHAPTERS 509 AND 511 OF TITLE 51

General references to “this title” deemed to refer also to chapters 509 and 511 of Title 51, National and Commercial Space Programs, see section 4(d)(8) of Pub. L. 111–314, set out as a note under section 101 of this title.

REMOTE TOWER PILOT PROGRAM FOR RURAL AND SMALL COMMUNITIES

Pub. L. 115–254, div. B, title I, §161, Oct. 5, 2018, 132 Stat. 3221, as amended by Pub. L. 118–15, div. B, title II, §2202(o), Sept. 30, 2023, 137 Stat. 83; Pub. L. 118–34, title I, §102(o), Dec. 26, 2023, 137 Stat. 1114, provided that:

“(a) PILOT PROGRAM.—

“(1) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration shall establish—

“(A) in consultation with airport operators and other aviation stakeholders, a pilot program at public-use airports to construct and operate remote towers in order to assess their operational benefits;

“(B) a selection process for participation in the pilot program; and

“(C) a clear process for the safety and operational certification of the remote towers.

“(2) SAFETY CONSIDERATIONS.—

“(A) SAFETY RISK MANAGEMENT PANEL.—Prior to the operational use of a remote tower under the pilot program established in subsection (a), the Administrator shall convene a safety risk management panel for the tower to address any safety issues with respect to the tower. The panels shall be created and utilized in a manner similar to that of the safety risk management panels previously convened for remote towers and shall take into account existing best practices and operational data from existing remote towers in the United States.

“(B) CONSULTATION.—In establishing the pilot program, the Administrator shall consult with operators of remote towers in the United States and foreign countries to design the pilot program in a manner that leverages as many safety and airspace efficiency benefits as possible.

“(3) APPLICATIONS.—The operator of an airport seeking to participate in the pilot program shall submit to the Administrator an application that is in such form and contains such information as the Administrator may require.

“(4) PROGRAM DESIGN.—In designing the pilot program, the Administrator shall—

“(A) to the maximum extent practicable, ensure that at least 2 different vendors of remote tower systems participate;

“(B) identify which air traffic control information and data will assist the Administrator in evaluating the feasibility, safety, costs, and benefits of remote towers;

“(C) implement processes necessary to collect the information and data identified in subparagraph (B);

“(D) develop criteria, in addition to considering possible selection criteria in paragraph (5), for the selection of airports that will best assist the Administrator in evaluating the feasibility, safety, costs, and benefits of remote towers, including the amount and variety of air traffic at an airport; and

“(E) prioritize the selection of airports that can best demonstrate the capabilities and benefits of remote towers, including applicants proposing to operate multiple remote towers from a single facility.

“(5) SELECTION CRITERIA FOR CONSIDERATION.—In selecting airports for participation in the pilot program, the Administrator, after consultation with representatives of labor organizations representing operators and employees of the air traffic control system, shall consider for participation in the pilot program—

“(A) 1 nonhub airport;

“(B) 3 airports that are not primary airports and that do not have existing air traffic control towers;

“(C) 1 airport that participates in the Contract Tower Program; and

“(D) 1 airport selected at the discretion of the Administrator.

“(6) DATA.—The Administrator shall clearly identify and collect air traffic control information and data from participating airports that will assist the Administrator in evaluating the feasibility, safety, costs, and benefits of remote towers.

“(7) REPORT.—Not later than 1 year after the date the first remote tower is operational, and annually thereafter, the Administrator shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report—

“(A) detailing any benefits, costs, or safety improvements associated with the use of the remote towers; and

“(B) evaluating the feasibility of using remote towers, particularly in the Contract Tower Program, for airports without an air traffic control tower, to improve safety at airports with towers, or to reduce costs without impacting safety at airports with or without existing towers.

“(8) DEADLINE.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], the Administrator shall select airports for participation in the pilot program.

“(9) DEFINITIONS.—In this subsection:

“(A) CONTRACT TOWER PROGRAM.—The term ‘Contract Tower Program’ has the meaning given the term in section 47124(e) of title 49, United States Code, as added by this Act.

“(B) REMOTE TOWER.—The term ‘remote tower’ means a remotely operated air navigation facility, including all necessary system components, that provides the functions and capabilities of an air traffic control tower whereby air traffic services are provided to operators at an airport from a location that may not be on or near the airport.

“(C) OTHER DEFINITIONS.—The terms ‘nonhub airport’, ‘primary airport’, and ‘public-use airport’ have the meanings given such terms in section 47102 of title 49, United States Code.

“(10) SUNSET.—This subsection, including the report required under paragraph (8), shall not be in effect after March 8, 2024.

“(b) REMOTE TOWER PROGRAM.—Concurrent with the establishment of the process for safety and operational certification of remote towers under subsection (a)(1)(C), the Administrator shall establish a process to authorize the construction and commissioning of additional remote towers that are certificated under subsection (a)(1)(C) at other airports.

“(c) AIP FUNDING ELIGIBILITY.—For purposes of the pilot program under subsection (a), and after certifi-

cated remote towers are available under subsection (b), constructing a remote tower or acquiring and installing air traffic control, communications, or related equipment specifically for a remote tower shall be considered airport development (as defined in section 47102 of title 49, United States Code) for purposes of subchapter I of chapter 471 of that title if the components are installed and used at the airport, except, as needed, for off-airport sensors installed on leased towers.”

#### ENVIRONMENTAL MITIGATION PILOT PROGRAM

Pub. L. 115-254, div. B, title I, §190, Oct. 5, 2018, 132 Stat. 3237, provided that:

“(a) IN GENERAL.—The Secretary of Transportation may carry out a pilot program involving not more than 6 projects at public-use airports in accordance with this section.

“(b) GRANTS.—In carrying out the program, the Secretary may make grants to sponsors of public-use airports from funds apportioned under section 47117(e)(1)(A) of title 49, United States Code.

“(c) USE OF FUNDS.—Amounts from a grant received by the sponsor of a public-use airport under the program shall be used for environmental mitigation projects that will measurably reduce or mitigate aviation impacts on noise, air quality, or water quality at the airport or within 5 miles of the airport.

“(d) ELIGIBILITY.—Notwithstanding any other provision of chapter 471 of title 49, United States Code, an environmental mitigation project approved under this section shall be treated as eligible for assistance under that chapter.

“(e) SELECTION CRITERIA.—In selecting from among applicants for participation in the program, the Secretary may give priority consideration to projects that—

“(1) will achieve the greatest reductions in aircraft noise, airport emissions, or airport water quality impacts either on an absolute basis or on a per dollar of funds expended basis; and

“(2) will be implemented by an eligible consortium.

“(f) FEDERAL SHARE.—The Federal share of the cost of a project carried out under the program shall be 50 percent.

“(g) MAXIMUM AMOUNT.—Not more than \$2,500,000 may be made available by the Secretary in grants under the program for any single project.

“(h) IDENTIFYING BEST PRACTICES.—The Secretary may establish and publish information identifying best practices for reducing or mitigating aviation impacts on noise, air quality, and water quality at airports or in the vicinity of airports based on the projects carried out under the program.

“(i) SUNSET.—The program shall terminate 5 years after the Secretary makes the first grant under the program.

“(j) DEFINITIONS.—In this section, the following definitions apply:

“(1) ELIGIBLE CONSORTIUM.—The term ‘eligible consortium’ means a consortium that is composed of 2 or more of the following entities:

“(A) Businesses incorporated in the United States.

“(B) Public or private educational or research organizations located in the United States.

“(C) Entities of State or local governments in the United States.

“(D) Federal laboratories.

“(2) ENVIRONMENTAL MITIGATION PROJECT.—The term ‘environmental mitigation project’ means a project that—

“(A) introduces new environmental mitigation techniques or technologies that have been proven in laboratory demonstrations;

“(B) proposes methods for efficient adaptation or integration of new concepts into airport operations; and

“(C) will demonstrate whether new techniques or technologies for environmental mitigation are—

“(i) practical to implement at or near multiple public-use airports; and

“(ii) capable of reducing noise, airport emissions, or water quality impacts in measurably significant amounts.

“(k) AUTHORIZATION FOR THE TRANSFER OF FUNDS FROM DEPARTMENT OF DEFENSE.—

“(1) IN GENERAL.—The Administrator of the Federal Aviation Administration may accept funds from the Secretary of Defense to increase the authorized funding for this section by the amount of such transfer only to carry out projects designed for environmental mitigation at a site previously, but not currently, managed by the Department of Defense.

“(2) ADDITIONAL GRANTEEES.—If additional funds are made available by the Secretary of Defense under paragraph (1), the Administrator may increase the number of grantees under subsection (a).”

#### DESIGN-BUILD CONTRACTING

Pub. L. 106-181, title I, §139, Apr. 5, 2000, 114 Stat. 85, authorized the Administrator of the Federal Aviation Administration to establish a pilot program, subject to certain contract and cost specifications, under which design-build contracts could be used to carry out up to 7 projects at airports in the United States with a grant awarded under this section, and stipulated that this authorization would expire on Sept. 30, 2003.

### § 47105. Project grant applications

(a) SUBMISSION AND CONSULTATION.—(1) An application for a project grant under this subchapter may be submitted to the Secretary of Transportation by—

(A) a sponsor; or

(B) a State, as the only sponsor, for an airport development project benefitting 1 or more airports in the State or for airport planning for projects for 1 or more airports in the State if—

(i) the sponsor of each airport gives written consent that the State be the applicant;

(ii) the Secretary is satisfied there is administrative merit and aeronautical benefit in the State being the sponsor; and

(iii) an acceptable agreement exists that ensures that the State will comply with appropriate grant conditions and other assurances the Secretary requires.

(2) Before deciding to undertake an airport development project at an airport under this subchapter, a sponsor shall consult with the airport users that will be affected by the project.

(3) This subsection does not authorize a public agency that is subject to the laws of a State to apply for a project grant in violation of a law of the State.

(b) CONTENTS AND FORM.—An application for a project grant under this subchapter—

(1) shall describe the project proposed to be undertaken;

(2) may propose a project only for a public-use airport included in the current national plan of integrated airport systems;

(3) may propose airport development only if the development complies with standards the Secretary prescribes or approves, including standards for site location, airport layout, site preparation, paving, lighting, and safety of approaches; and

(4) shall be in the form and contain other information the Secretary prescribes.

(c) STATE STANDARDS FOR AIRPORT DEVELOPMENT.—